


B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Robert F. Anderson, Trustee	DEFENDANTS Architectural Glass Construction, Inc.			
ATTORNEYS (Firm Name, Address, and Telephone No.) Anderson and Associates, P.A., P.O. Box 76 Columbia, SC 29202-0076	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Recovery of property or value of property pursuant to SCC 27-23-10, 28 USC Sec. 3304, 11 U.S.C. Sec. 544(b), 11 U.S.C. Sec. 548(a) and (b), and 11 U.S.C. Sec. 550.				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought Recovery of property transferred or its value.				

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Patricia Susan Pfister		BANKRUPTCY CASE NO. 09-05670-hb
DISTRICT IN WHICH CASE IS PENDING South Carolina	DIVISION OFFICE Spartanburg	NAME OF JUDGE Burris
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE November <u>5</u> , 2010		PRINT NAME OF ATTORNEY (OR PLAINTIFF) H. Flynn Griffin, III, Attorney for Trustee

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

Patricia Susan Pfister,

Debtor.

Robert F. Anderson, Trustee,

Plaintiff,

v.

Architectural Glass Construction, Inc.,

Defendant.

Case No. 09-05670-hb

Adversary No. _____

COMPLAINT

Chapter 7

The Plaintiff, complaining of the Defendant, would respectfully show the Honorable Court:

1. The Debtor, Patricia Susan Pfister, filed a Voluntary Petition for Relief under Chapter 7 of the Bankruptcy Code on July 31, 2009.
2. The Plaintiff was appointed to act as Trustee, in which capacity he brings this action.
3. The Defendant may be served through its President, Phillip W. Pfister, 3098 Highway 101 South, Greer, SC 29651, with a copy to its Registered Agent, Phillip W. Pfister, 117 Tupelo Drive, Greer, SC 29651.
4. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 334 and 157 and Local Rule 83.IX.01 D.S.C. This is a core proceeding.
5. Less than seven (7) months prior to the filing of the Petition, on January 13, 2009, the Debtor transferred her undivided ½ interest in the real property, described below, to the Defendant, Architectural Glass Construction, Inc. (hereinafter the "Transfer"). A copy of the Deed is attached hereto as Exhibit A.

6. The Defendant is an insider of the Debtor. The Debtor's husband, Phillip W. Pfister, is the President and 100% shareholder of the Defendant.

7. There was no consideration paid by the Defendant for the Transfer.

8. The Debtor was having severe financial difficulties at the time of the Transfer and was insolvent.

9. At the time of the Transfer, the Debtor was indebted to the following unsecured creditors who have allowable claims: Discover Bank (Proof of Claim #1); Cothran Properties (Proof of Claim #6); Branch Banking and Trust Co. (Proof of Claim #9); Greer State Bank (Proof of Claims #13 and 14); Chase Bank USA (Proof of Claim #15); and Department of Treasury – Internal Revenue Service (Proof of Claim #17).

10. The property transferred is described as follows:

ALL that certain piece, parcel or lot of land located in the County of Spartanburg, State of South Carolina, near Reidville Township, near Reidville, South Carolina, being known and designated as Lot 1 of 101 South Park Division, as shown on a plat entitled 101 South Park, Lot I for Architectural Glass Construction, Inc., prepared by Chapman Surveying Co., Inc., dated April 11, 2001, recorded in the Office of the ROD for Spartanburg County in Plat Book 150 at page 448 and having, according to said plat, the following metes and bounds:

BEGINNING at a nail in the center of Sharon Church Road at the intersection with South Carolina Highway 101 and running thence with the center line of Sharon Church Road N. 54-55-54 W., 307.44 feet to a nail in the center of Sharon Church Road; thence continuing with the center line of Sharon Church Road N. 57-20-23 W., 100.07 feet to a nail; thence continuing with the center line of Sharon Church Road N. 69-37-07 W., 100.18 feet to a nail; thence turning and running N. 11-27-42 W., 81.22 feet to an old iron pin(having passed an old iron pin at 23.8'); thence turning and running N. 78-39-16 E., 368.95 feet to an old iron pin on the right of way of South Carolina Hwy. 101; thence running with the right of way of S. C. Hwy. 10 I, S. 11-23-40 E., 426.17 feet to a nail, the point of beginning.

LESS, HOWEVER, ALL that certain 0.322 acres shown as "Area of Acquisition" on Exhibit A of deed recorded in Deed Book 75-A at page 107.

This is the same property conveyed to Philip W. Pfister and Patricia S. Pfister by deed of 101 Industrial Park, LLC, dated May

10, 2001, and recorded June 13, 2001, in the Office of the RMC for Spartanburg County in Deed Book 732 at page 725.

TAX MAP #5-41-00-081.07

11. The property had a total value of approximately \$540,000.00, the Debtor's ½ interest was worth approximately \$270,000.00.

12. The Transfer is voidable by the Trustee under South Carolina Code § 27-23-10 and 28 U.S.C. § 3304 and 11 U.S.C. § 544(b) for actual or constructive fraud.

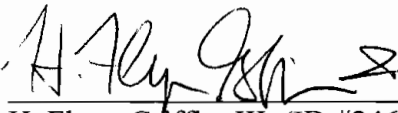
13. The Transfer is voidable by the Trustee under 11 U.S.C. § 548(a) and (b) for actual or constructive fraud.

14. The Trustee is entitled to a recovery of the property, or the property's value pursuant to 11 U.S.C. § 550.

WHEREFORE, the Trustee prays that the Transfer to the Defendant be declared void and that the Trustee be allowed to recover the property, or the value of the property, together with the costs of this action, and for such other and further relief as justice may require.

ANDERSON & ASSOCIATES, P.A.

By:



H. Flynn Griffin, III, (ID #2466)

Attorney for Trustee/Plaintiff

Post Office Box 76

Columbia, SC 29202

(803) 252-8600; Email: kim@andersonlawfirm.net

Columbia, South Carolina
November 5, 2010

DEED 93A PG 594

Prepared by LeGRAND LAW FIRM, LLC

Grantee's Mailing Address: 3098 Hwy. 101 South, Greer, SC 29651

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG) **DEED**

KNOW ALL MEN BY THESE PRESENTS that **Philip W. Pfister and Patricia S. Pfister**, in consideration of **Ten and No/100ths (\$10.00)** Dollars, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents grants bargains, sells, and releases unto:

Architectural Glass Construction, Inc., its successors and assigns forever:

ALL that certain piece, parcel or lot of land located in the County of Spartanburg, State of South Carolina, near Reidville Township, near Reidville, South Carolina, being known and designated as Lot 1 of 101 South Park Division, as shown on a plat entitled 101 South Park, Lot 1 for Architectural Glass Construction, Inc., prepared by Chapman Surveying Co., Inc., dated April 11, 2001, recorded in the Office of the ROD for Spartanburg County in Plat Book 150 at page 448 and having, according to said plat, the following metes and bounds:

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TAX MAP #5-41-00-081.07

This conveyance is made subject to any restrictions, reservations, zoning ordinances, or easements that may appear of record, on the recorded plat(s) or on the premises.

DEE-2009-1159
Recorded 5 Pages on 1/13/2009 10:01:57 AM
Recording Fee: \$10.00 Documentary Stamps: \$0.00
Office of Register of Deeds, Spartanburg, S.C.
Stephen Ford, Register



Exhibit A

DEED 93A PG 595

This conveyance is made together with all and singular, the rights, members, hereditaments, and appurtenances to said premises belonging or in any way incident or appertaining thereto; to have and to hold all and singular the premises abovementioned unto the grantees, and the grantees' heirs or successors and assigns forever. The grantor does hereby bind the grantor and grantor's heirs or successors, executors, and administrators to warrant and forever defend all and singular said premises unto the grantee and grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the Grantors' hand and seal this 31 day of December, 2008.

SIGNED, SEALED AND DELIVERED

In the Presence of:

Jean Clagson
Witness1

Philip W. Pfister (SEAL)
Philip W. Pfister

Charles H. H. H.
Witness2

(SEAL)

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

ACKNOWLEDGMENT

On 12-31, 2008, before me, a Notary Public for said County and State, personally appeared the above-named grantor being personally known to me to be the person(s) that executed the foregoing instrument.

Charles H. H. H.
Notary Public for the State of: South Carolina

My Commission Expires: 8-29-17


DEED 93A PG 596

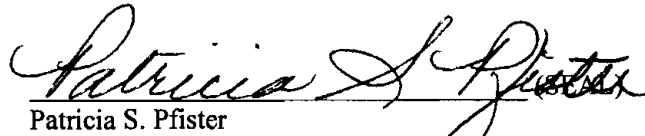
This conveyance is made together with all and singular, the rights, members, hereditaments, and appurtenances to said premises belonging or in any way incident or appertaining thereto; to have and to hold all and singular the premises abovementioned unto the grantees, and the grantees' heirs or successors and assigns forever. The grantor does hereby bind the grantor and grantor's heirs or successors, executors, and administrators to warrant and forever defend all and singular said premises unto the grantee and grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

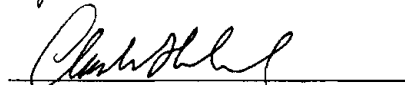
WITNESS the Grantors' hand and seal this 31 day of December, 2008.

SIGNED, SEALED AND DELIVERED

In the Presence of:


Witness1


Patricia S. Pfister

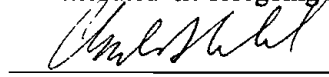

Witness2

_____(SEAL)

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

ACKNOWLEDGMENT

On December 31, 2008, before me, a Notary Public for said County and State, personally appeared the above-named grantor being personally known to me to be the person(s) that executed the foregoing instrument.


Notary Public for the State of: South Carolina

My Commission Expires: 8-29-17